

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

WITHDRAWN

TO: Chief Procurement Officer

FROM: DHS / VRSBD

(Department/Division/Agency)

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Description of health and human services:

Administer and perform the functions of the State Independent Living Council (SILC) of Hawaii required by the Rehabilitation Act as amended.

1. Jointly develop, monitor and evaluate with the Vocational Rehabilitation and Services for the Blind Division (VRSBD) the State Plan for Independent Living (SPIL) required by the Rehabilitation Act as amended.
2. Coordinate SILC activities with the State Rehabilitation Council (SRC) required by the Rehabilitation Act as amended.
3. Arrange, coordinate and facilitate general meetings, committee meetings and public forum(s).
4. Complete and file an annual federal independent living report to the Rehabilitation Services Administration.
5. Complete and file an annual filing report with the Hawaii Department of Commerce and Consumer Affairs.
6. Coordinate and arrange logistics associated with any SILC function sanctioned by the State, including staffing, scheduling of events, lodging arrangements, related travel arrangements, including the maintenance of travel records, travel reimbursement and reasonable disability-related accommodations for SILC members or others approved by the State.

Name of Service Provider

Statewide Independent Living Council of Hawaii

Cost:

\$240,600.00

Term of Contract:

From: October 1, 2002

To: September 30, 2004

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The Rehabilitation Act as amended requires that the SILC of Hawaii be established outside of the State agency and receive necessary and sufficient funds (described in the State Plan for Independent Living) to carryout the functions of the Council.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The SILC of Hawaii to be selected by virtue of the Rehabilitation Act as amended, Title VII, Section 705 and 713 and the State Plan for Independent Living.

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A description of the state agency's internal controls and approval requirements for the exempted procurement:

The Vocational Rehabilitation Administrator's approval required for the exempted procurement that is in accordance with the Rehabilitation Act as amended and consistent with the State Plan for Independent Living.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Neil Shim, Vocational Rehabilitation Administrator
John Noland, Vocational Rehabilitation Assistant Administrator
Guy Tagomori, Staff Specialist

Direct questions to:
Guy Tagomori

Phone Number:
692-7729

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR:

Yes ☐

No ☒

I certify that the information provided above is to the best of my knowledge, true and correct.

Guy Tagomori
Department/Agency Head

SEP - 6 2002

Date

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☐ Approved

☐ Denied

Chief Procurement Officer

Date

cc: Administrator
State Procurement Office

P.E.H. Number

C3-10

REHABILITATION ACT AMENDMENTS OF 1998

TITLE VII--INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

Chapter 1--Individuals with Significant Disabilities

Part A--General Provisions

Sec. 701. Purpose

The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by--

- (1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;
- (2) providing financial assistance to develop and support statewide networks of centers for independent living; and
- (3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under part B of title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal law, and programs funded through non-Federal sources.

Sec. 705. Statewide Independent Living Council

(a) Establishment

To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the 'Council'). The Council shall not be established as an entity within a State agency.

(c) Duties

The Council shall--

- (1) jointly develop and sign (in conjunction with the designated State unit) the State plan required in section 704;
- (2) monitor, review, and evaluate the implementation of the State plan;
- (3) coordinate activities with the State Rehabilitation Council established under section 105, if the State has such a Council, or the commission described in section 101(a)(21)(A), if the State has such a commission, and councils that address the needs of specific disability populations and issues under other Federal law;
- (4) ensure that all regularly scheduled meetings of the Statewide Independent Living Council are open to the public and sufficient advance notice is provided; and
- (5) submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

(e) Plan

(1) In general

The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a)(18)), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(2) Supervision and evaluation

Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

Part b--Independent Living Services

Sec. 713. Authorized Uses of Funds

The State may use funds received under this part to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, and may use funds received under this part--

- (1) to provide independent living services to individuals with significant disabilities;
- (2) to demonstrate ways to expand and improve independent living services;
- (3) to support the operation of centers for independent living that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725;
- (4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;
- (5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;
- (6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and
- (7) to provide outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

**PLAN FOR THE PROVISION OF RESOURCES TO THE SILC of Hawai'i
(SILCH BUDGET)**

The SILCH is established as a tax-exempt, non-profit corporation. The DSU will contract with the SILCH resources to carry out its responsibilities and to fund the State IL Services (SILS) Program. The resources to support the SILCH and the SILS Program will be funded by the Part B, Chapter 1, Title VII funds and matching State funds. The SILCH will expend its funds in accordance with the SILCH'S by-laws, policies and procedures, all applicable state and federal rules, regulations, and laws.

The SILCH has allocated approximately \$120,300 for operating costs in FY 2003 and FY 2004. \$210,346 will be allocated for a private organization to provide IL services to persons with significant disabilities through a contract. The SILCH will review with the DSU proposals from private organizations to provide IL goods and services to persons with significant disabilities and recommends an awardee from among the applicants.

Budget Categories	FY 2001-2002	FY 2002-2003	FY 2003-2004
Personnel/Benefits/Taxes/Insurance	63,340	67,000	67,000
Professional Services		15,000	15,000
Room Rental for SILC Meetings	400	600	600
Council Support Services		9,000	9,000
Travel	5,600	14,000	14,000
Communications		5,000	5,000
Equipment	3,000	7,200	7,200
Copying and Printing	2,000	2,500	2,500
TOTAL	74,340	120,300	120,300